

In the High Court of Punjab and Haryana at Chandigarh

**1. Regular First Appeal No. 2164 of 1998
Date of Decision: 06.5.2015.**

Om Parkash (deceased) through LRs and othersAppellants

Versus

Land Acquisition Collector and anotherRespondents

2. Regular First Appeal No. 3052 of 1998

Balbir Singh (deceased) through LRs and othersAppellants

Versus

Land Acquisition Collector and anotherRespondents

3. Regular First Appeal No. 3629 of 1998

State of Haryana and anotherAppellants

Versus

Balbir Singh (deceased) through LRs and othersRespondents

4. Regular First Appeal No. 3630 of 1998

State of Haryana and anotherAppellants

Versus

Om Parkash (deceased) through LRs and othersRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rakesh Nehra, Advocate
for the land owners.

Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J.

Vide this judgment, above mentioned appeals would be disposed of as the point of controversy involved in all the cases is the same.

Land belonging to the land owners, was sought to be acquired for construction of Escape Channel. Notification under Section 4 of the Land Acquisition Act, 1894 ('Act' for short), was issued on 6.5.1996. Collector assessed the market value of the acquired land at the rate of ₹ 1,80,000/- per acre for *chahi/nehri* land. The land owners were awarded compensation by the Collector and were also held entitled to receive the statutory benefits. Being dissatisfied by the amount of compensation granted by the Collector, the land owners sought references under Section 18 of the Act. The Reference Court vide award dated 3.4.1998 assessed the market value of the acquired land at the rate of Rs. 4,80,000/- per acre. Hence, the present appeals by the land owners as well as by the State.

I have heard the learned counsel for the land owners as well as the learned State counsel and have gone through the record available on the file carefully.

In order to establish the market value of the acquired land, parties proved on record following sale deeds:-

Sr. No.	Exh.	Date of sale	Area sold	Sale price of land sold	per acre
1.	P1	7.4.93	1 Marla	7,500/-	12 lacs
2.	P3	5.5.95	5 Marla	30,000/-	9.60 lacs
3.	P4	17.4.95	20 Sq. yds.	15,000/-	36.30 lacs

4.	P5	5.9.94	100 yds.	27,500/-	11.10 lacs
5.	P6	30.8.94	200 yds.	55,000/-	11 lacs app.
6.	P7	26.11.91	1 Marla	5,000/-	8 lacs
7.	R1	3.6.97	9 Marla	6,000/-	1.06 lacs approx.

So far as the sale deed Ex. R-1 relied upon by the State is concerned, the same was rightly discarded by the Reference Court as the market value of the acquired land as per the said sale deed was less than the value assessed by the Collector.

So far as the sale deeds proved on record by the land owners are concerned, the same relate to small pieces of land. Sale deed Ex. P-1 relates to sale of one *marla* of land whereas sale deed Ex. P-3 relates to sale of 05 *marlas* of land. So far as sale deed Exhibit P-4 is concerned, the same relates to sale of 20 square yards of land whereas sale deed Exhibit P-5 relates to sale of 100 yards of land. Sale deed Exhibit P-6 relates to sale of 200 yards of land and sale deed Exhibit P-7 relates to sale of 01 *marla* of land. The acquired land is agricultural land.

Since the sale deeds proved on record by the land owners relate to small parcels of land, the learned Reference court rightly assessed the market value of the acquired land at the rate of ₹ 4,80,000/- per acre by assessing the evidence on record. The market value of the acquired land as assessed by the Reference Court cannot be said to be on the lower side and calls for no enhancement.

However, the Reference Court erred in not granting the compensation to the land owners on account of severance of their land on account of the acquisition. The acquired land abuts National Highway-65. On account of construction of the Escape

Channel along with the highway, the land of the land owners, which abutted the main road, has now no direct approach to the main highway. RW-1 Swaran Singh deposed that in case now the appellants are to reach their land, they will have to go from the bank of the river and could not reach their fields directly from the main highway. No path had been left during consolidation to enable the appellants to reach their fields from the main highway. Thus, on account of the construction of the Escape Channel, the land owners cannot directly reach their remaining land from the national highway. In these circumstances, the land owners were entitled to receive compensation on account of severance of their land.

Keeping in view the facts and circumstances of the present case, the land owners are also entitled to receive further amount of compensation to the extent of 20% of the market value of the acquired land on account of severance of their land. The land owners would also be entitled to receive the said amount along with statutory benefits under Section 23(1-A), 23(2) and 28 of the Act.

Accordingly, the appeals filed by the land owners stand allowed in the above said terms and the appeals filed by the State, are dismissed.

**(SABINA)
JUDGE**

May 06, 2015
Gurpreet